

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FILED  
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CLERK U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

Case No. 8:03-cr-77-T-30TBM

SAMI AMIN AL-ARIAN,  
and SAMEEH HAMMOUDEH

**NOTICE OF SPECIAL APPEARANCE BY ASSISTANT UNITED STATES  
ATTORNEY DAN ECKHART AND RESPONSE TO MAY 28, 2003, ORDER**

COMES NOW the United States, on behalf of its agency, the Federal Bureau of Prisons, by and through the undersigned Assistant United States Attorney, in response to the Court's preliminary Order (Dkt. No. 140) regarding procedures currently utilized at the United States Penitentiary, Coleman, Florida, (USP Coleman), to search Defendants Sami Al-Arian and Sameeh Hammoudeh. The undersigned Assistant United States Attorney is authorized to respond to the Court's Order and states as follows:

The Court questioned the need to strip-search the Defendants immediately before and after non-contact visits, and afforded USP Coleman Warden Donald A. McKelvy, or his designee, the opportunity to respond.

The Defendants will no longer be subjected to routine strip-searches before or after non-contact visits. If, however, prison officials reasonably suspect the Defendants possess contraband or have the opportunity to conceal contraband, the Bureau of Prisons reserves the ability to conduct strip-searches of the Defendants if necessary.

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The United States maintains this issue is now moot because no case or controversy exists. If future disputes arise concerning conditions at USP Coleman, the Defendants should seek relief from prison officials before seeking judicial intervention. The Bureau of Prisons has a comprehensive administrative remedy process and prison officials at USP Coleman are uniquely positioned to evaluate and respond to the Defendants' concerns.

Now that the Bureau of Prisons has modified its procedures, no case or controversy exists and the Court should forebear from further consideration of the issue at this time.

Respectfully submitted,

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United States Attorney

By:

  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Notice of Special Appearance by Assistant United States Attorney Daniel W. Eckhart and Response to May 28, 2003 Order has been mailed this 11th day of June, 2003, to the following:

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